

# **EXHIBIT 4**



## State of West Virginia *Board of Medicine*

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APR 10 2020

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VICE PRESIDENT

MARK A. SPANGLER, MA  
EXECUTIVE DIRECTOR

April 8, 2020

Gretchen M. Callas, Esquire  
Jackson Kelly PLLC  
500 Lee Street East Suite 1600  
PO Box 553  
Charleston, WV 25322

**Re: *City of Huntington; Cabell County Commission v. AmerisourceBergen  
Drug Corporation, et.al.***  
**United States District Court for the Southern District of West Virginia**  
**Civil Action No. 3:17-01362; 3:17-01665**

Dear Ms. Callas:

On Friday, February 21, 2020, the West Virginia Board of Medicine (hereinafter "BOM") received a subpoena duces tecum issued on behalf of your client, AmerisourceBergen Drug Corporation ("AmerisourceBergen") in the above-referenced matter. On March 5, 2020, the BOM submitted its written objection to AmerisourceBergen's subpoena pursuant to Federal Rule of Procedure 45(d). Thereafter, on March 31, 2020 you sent correspondence to the BOM's Executive Director, Mark A. Spangler, "on behalf of the Defendants in the above-referenced matter" requesting a conference to discuss the BOM's March 5, 2020 objection. Mr. Spangler forwarded your correspondence to me for response.

While the BOM stands by its original objection response, we are agreeable to meeting with you to discuss the issues you have identified in your March 31, 2020 correspondence when feasible, given current circumstances. As I am sure you know, on March 16, 2020, Governor Justice, declared a State of Emergency to address the COVID-19 pandemic. Since that date, the BOM has been focusing as many resources as possible on efforts to facilitate provider surge and provider and patient resources during this public health emergency. Additionally, the BOM is complying with the enhanced safety protocols for Kanawha County and are limiting the daily census of in-office staff accordingly. These emergency-related resource constraints and enhanced safety measures obviously affect immediate availability for a meeting.

In the interim, and to address one point identified in your correspondence, the BOM has, in fact, provided robust and detailed information on website access to the BOM's newsletters,

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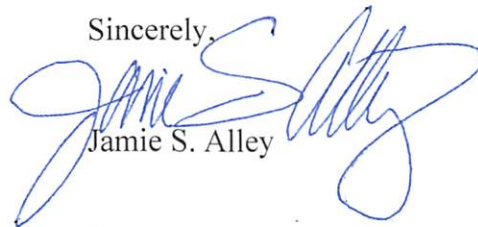
Annual Reports, Board Orders and other categories of information, all of which are maintained by the BOM on its website in the ordinary course of business. To facilitate your review of the same, please find below a chart with links previously provided to you on March 5, 2020.

BOM Annual Reports	<a href="https://wvbom.wv.gov/about/AnnualReports.asp">https://wvbom.wv.gov/about/AnnualReports.asp</a> <a href="https://www.wvlegislature.gov/Reports/Agency_Reports/agencylist_all.cfm">https://www.wvlegislature.gov/Reports/Agency_Reports/agencylist_all.cfm</a>
Public Presentations 2017-present	<a href="https://wvbom.wv.gov/Publicpresentations.asp">https://wvbom.wv.gov/Publicpresentations.asp</a>
BOM Actions/ Disciplinary Orders	<a href="https://wvbom.wv.gov/public/BOM-actions.asp">https://wvbom.wv.gov/public/BOM-actions.asp</a>
BOM Newsletters	<a href="https://wvbom.wv.gov/public/newsletters.asp">https://wvbom.wv.gov/public/newsletters.asp</a>
Current BOM Position Statements	<a href="https://wvbom.wv.gov/Position_Statementsnew.asp">https://wvbom.wv.gov/Position_Statementsnew.asp</a>
Continuing Medical Education Information	<a href="https://wvbom.wv.gov/Cont_Med_Education.asp">https://wvbom.wv.gov/Cont_Med_Education.asp</a>
BOM- Approved Drug Diversion/best Practices Prescribing CME 2012-present	<a href="https://wvbom.wv.gov/BOM_Approv_CME_courses_all.asp">https://wvbom.wv.gov/BOM_Approv_CME_courses_all.asp</a>

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Please contact me directly to discuss scheduling a mutually convenient day and time to meet. I may be reached at (304) 558-2921 ext. 49864, or via email at [Jamie.S.Alley@wv.gov](mailto:Jamie.S.Alley@wv.gov).

Sincerely,



Jamie S. Alley

cc: Mark A. Spangler, Executive Director